



Docket No.: OSTEONICS 3.0-323
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Storer et al.

Application No.: 10/054,363

Group Art Unit: 3732

Filed: November 13, 2001

Examiner: E. C. Robert

For: PROSTHETIC IMPLANT CEMENT
DEFLECTOR AND METHOD OF
IMPLANTATION

2-3
#9/a

RESPONSE TO RESTRICTION REQUIREMENT

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FEB 02 2004

TECHNOLOGY CENTER R3700

Dear Sir:

This communication is in response to the Office Action mailed October 3, 2003, setting forth a Restriction Requirement in the above-identified application. In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

I. Claims 1-8 and 14-23, drawn to a bone cement deflector and kit, classified in class 606, subclass 92.

II. Claims 9-13, drawn to a method for implanting a prosthesis in a medullary canal of a long bone, classified in class 606, subclass 62.

In response, Applicants hereby elect the invention of Group I, corresponding to claims 9-13. Applicants reserve the right to file a divisional application corresponding to the non-elected claims.

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 19, 2004

Signature:

(Raymond W. Augustin)

**AMENDMENT TRANSMITTAL LETTER**Docket No.
OSTEONICS 3.0-323Application No.
10/054,363Filing Date
November 13, 2001Examiner
E. C. RobertArt Unit
3732

Applicant(s): John Andrew Storer and Andrew John Timperley

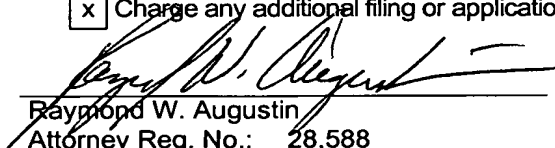
Invention: PROSTHETIC IMPLANT CEMENT DEFLECTOR AND METHOD OF IMPLANTATION

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	18	- 23 =		x	0.00
Independent Claims	3	- 4 =		x	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00

☒ Large Entity☐ Small Entity☒ No additional fee is required for this amendment.☐ Please charge Deposit Account No. _____ in the amount of \$ _____.
A duplicate copy of this sheet is enclosed.☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge and credit Deposit Account No. 12-1095
as described below. A duplicate copy of this sheet is enclosed.☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17:
Raymond W. Augustin
Attorney Reg. No.: 28,588Dated: January 19, 2004LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
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(908) 518-6318**RECEIVED****FEB 02 2004**

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